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Case No. GP-301932 (2760/39)

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-- REMARKS --

In the Final Office Action, Examiner Elahee rejected pending claims 1-19 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application:

- A. Examiner Elahee rejected pending claims 1-4, 7-12, and 17-19 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,208,854 to *Roberts et al.*

The Applicant has thoroughly considered Examiner Elahee's remarks concerning the patentability of claims 1-4, 7-12 and 17-19 over *Roberts*. The Applicant has also thoroughly read *Roberts*. To warrant this §102(e) rejection of claims 1-4, 7-12 and 17-19, *Roberts* must show each and every limitation of independent claims 1, 7-9, and 15-19 in as complete detail as is contained in independent claims 1, 7-9 and 15-19. See, MPEP §2131. The Applicant respectfully traverses this 35 U.S.C. §102(e) rejection of independent claims 1, 7-9 and 15-19, because *Roberts* unequivocally fails to disclose, teach or suggest any of the limitations of independent claims 1, 7-9 and 15-19 due to the failure of *Roberts* to disclose, teach or suggest a telecommunication operation of maintaining a call state of a forwarded voice call whenever a telematic device has answered the forwarded voice call.

As to the traversal, *Roberts* discloses two embodiments of a method of call forwarding to a wireless communication unit a voice call directed to a landline communication unit.

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In the first embodiment, as illustrated in FIGS. 2 and 3 of *Roberts*, the networks 240 of *Roberts* (1) determine whether a wireless communication unit 230 is available immediately upon receipt of a voice call directed to a landline communication unit 220 at a step 310, and (2) automatically route the voice call to the wireless communication unit 230 if it is determined that the wireless communication unit 230 is available at a step 330. When the voice call is automatically routed to the wireless communication unit 230 due to the wireless communication unit 230 being deemed available by the networks 240, a user of the wireless communication unit 230 can answer the routed voice call. See, *Roberts* at column 2, lines 15-31. A careful review of *Roberts* reveals that *Roberts* does not address any actions by the networks 240 when the wireless communication unit 230 answers the routed voice call. Thus, it is inherent that the networks 240 embody the conventional technique wherein the call state of the routed voice call is terminated upon an answering of the routed voice call by the wireless communication unit 230 whereby the voice call can not be re-routed to the landline communication unit 220 or any other telecommunication device (e.g., voice mail).

In the second embodiment, as illustrated in FIGS. 4-6 of *Roberts*, the telecommunication elements 430-480 of *Roberts* take a voice call directed to landline communication unit 410 and route the voice call to wireless communication unit 420 if it is determined that wireless communication unit 420 is active (step 530), not in use (step 550) and available (step 560). See, *Roberts* at column 2, line 48 to column 4, line 15. When the voice call is routed to the wireless communication unit 420 (step 570), a user of the wireless communication unit 420 can answer the routed voice call. A careful review of *Roberts* reveals that, while *Roberts* addresses actions take by telecommunication elements 430-480 when wireless communication unit 420 fails to answer the routed voice call or when wireless communication unit 420 is active upon a routing of the voice call to unit 420 and therefore unable to answer the voice call, *Roberts* clearly fails to address any actions by telecommunication elements 430-480 when the wireless communication unit

420 answers the routed voice call. See, Roberts at column 4, lines 24-49. Thus, it is inherent that telecommunication elements 430-480 embody the conventional technique wherein the call state of the routed voice call is terminated upon an answering of the routed voice call by the wireless communication unit 420 whereby the voice call can not be re-routed to the landline communication unit 410 or any other telecommunication device (e.g., voice mail).

By comparison, as illustrated in FIGS. 4-8 of the present invention, independent claims 1, 7-9 and 15-19 of the present invention recite limitations encompassing a new and unique technique wherein a voice portal module 23 maintains a call state of a voice call forwarded from portable phone 30 to telematic device 40 whereby telematic device 40 can answer the forwarded voice call. If telematic device answers the forwarded voice call and a user of telematic device 40 does not answer fake rings generated by telematic device 40 to indicate an answering of the forwarded voice call by telematic device 40, then a maintaining of the call state of the forwarded voice call by voice portal module 23 enables voice portal module 23 to transfer the voice call to either call forwarding module 21 or voice mail module 22. Without any disclosure, teaching or suggestion of structure or acts comparable to the recited limitations of independent claims 1, 7-9 and 15-19 directed to an operation of voice portal module 23, *Roberts* fails to disclose, teach or suggest any of the limitations of independent claims 1, 7-9, and 15-19. In particular, *Roberts* fails to disclose, teach or suggest "maintaining a call state of the voice call in response to an answering by the first telematic device of one or more call forwarding rings indicative of the voice call" as recited in independent claims 1, 7 and 8; "a voice portal module operable to maintain a call state of the voice call in response to an answering by the first telematic device of one or more call forwarding rings indicative of the voice call" as recited in independent claims 9, 15 and 16; and "means for maintaining a call state of the voice call in response to an answering by the first telematic device of one or more call forwarding rings indicative of the voice call" as recited in independent claims 17-19.

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Withdrawal of the rejection of independent claims 1, 7-9, and 15-19 under 35 U.S.C. §102(e) as being anticipated by *Roberts* is therefore respectfully requested.

Claims 2-4 depend from independent claim 1. Therefore, dependent claims 2-4 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2-4 are allowable over *Roberts* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Roberts*. Withdrawal of the rejection of dependent claims 2-4 under 35 U.S.C. §102(e) as being anticipated by *Roberts* is therefore respectfully requested.

Claims 10-12 depend from independent claim 9. Therefore, dependent claims 10-12 include all of the elements and limitations of independent claim 9. It is therefore respectfully submitted by the Applicant that dependent claims 10-12 are allowable over *Roberts* for at least the same reason as set forth herein with respect to independent claim 9 being allowable over *Roberts*. Withdrawal of the rejection of dependent claims 10-12 under 35 U.S.C. §102(e) as being anticipated by *Roberts* is therefore respectfully requested.

- B. Examiner Elahee rejected pending claims 5 and 13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,208,854 to *Roberts* et al. in view of U.S. Patent No. 5,375,161 to *Fuller* et al.

Claim 5 depends from independent claim 1. Therefore, dependent claim 5 includes all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claim 5 is allowable over *Roberts* in view of *Fuller* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Roberts*. Withdrawal of the rejection of dependent claim 5 under 35 U.S.C. §103(a) as being unpatentable *Roberts* in view of *Fuller* is therefore respectfully requested.

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Claim 13 depends from independent claim 9. Therefore, dependent claim 13 includes all of the elements and limitations of independent claim 9. It is therefore respectfully submitted by the Applicant that dependent claim 13 is allowable over *Roberts* in view of *Fuller* for at least the same reason as set forth herein with respect to independent claim 9 being allowable over *Roberts*. Withdrawal of the rejection of dependent claim 13 under 35 U.S.C. §103(a) as being unpatentable *Roberts* in view of *Fuller* is therefore respectfully requested.

- C. Examiner Elahee rejected pending claims 6 and 14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,208,854 to *Roberts* et al. in view of U.S. Patent No. 6,493,442 to *Goldman* et al.

Claim 6 depends from independent claim 1. Therefore, dependent claim 6 includes all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claim 6 is allowable over *Roberts* in view of *Goldman* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Roberts*. Withdrawal of the rejection of dependent claim 6 under 36 U.S.C. §103(a) as being unpatentable *Roberts* in view of *Goldman* is therefore respectfully requested.

Claim 14 depends from independent claim 9. Therefore, dependent claim 14 includes all of the elements and limitations of independent claim 9. It is therefore respectfully submitted by the Applicant that dependent claim 14 is allowable over *Roberts* in view of *Goldman* for at least the same reason as set forth herein with respect to independent claim 9 being allowable over *Roberts*. Withdrawal of the rejection of dependent claim 14 under 36 U.S.C. §103(a) as being unpatentable *Roberts* in view of *Goldman* is therefore respectfully requested.

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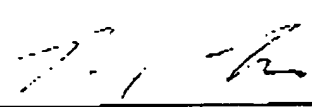
SUMMARY

Examiner Elahee's rejections of claims 1-19 have been obviated by remarks herein supporting an allowance of pending claims 1-19 over the art of record. The Applicant respectfully submits that pending claims 1-19 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Elahee is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: January 4, 2004Respectfully submitted,
JASMIN JIJINA, *et al.*

GENERAL MOTORS CORPORATION
General Motors Legal Staff
Mail Code 482-C23-B21
300 Renaissance Center
Detroit, Michigan 48265-3000
313/665-4714

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113



Paul J. Lee
Registration No. 52,420
Attorney for Applicant